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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

No. 11-mc-80214 JSW

v.

CMKM DIAMONDS, INC., et al.,

Defendants.

**ORDER DENYING OBJECTION
AND MOTION REGARDING
DISCOVERY ORDER**

Now before the Court is the objection and motion for relief filed by non-parties Harold P. Gewerter, Esq. and Harold P. Gewerter, Esq., Ltd. (“Gewerter”) to Magistrate Judge Laporte’s Order regarding their motion to quash (the “Order”). Having carefully reviewed the objections and motion, and considered Gewerter’s arguments and the relevant legal authority, the Court hereby DENIES Gewerter’s objections and motion and AFFIRMS the Order.

The District Court may modify or set aside any portion of a magistrate’s ruling on non-dispositive pre-trial motions found to be “clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a); *see also, e.g., Grimes v. City and County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991). A ruling is clearly erroneous if the reviewing court, after considering the evidence, is left with the “definite and firm conviction that a mistake has been committed.” *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948).

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1 After a careful review of the Order, this Court finds that Judge Laporte's ruling was not
2 clearly erroneous or contrary to law. Therefore, this Court DENIES Gewerter's objections and
3 motion for relief and AFFIRMS the Order regarding Gewerter's motion to quash.

4 **IT IS SO ORDERED.**

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6 Dated: November 15, 2011


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE